

SEC. 42. Powers of council—pavements—road tax—working roads—super-visors. The council have the control of the streets and alleys and public grounds of Iowa City, and may cause sidewalks to be paved in the same, and to this end, it may require the owners of lots to pave or repair the same, contiguous to their respective lots, and in case of neglect after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed on the contiguous lots, which shall have the effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption. All road tax which may hereafter be paid upon any property in Iowa City, in lieu of labor, shall be paid to the proper authorities of said city, for the improvement of the streets thereof; any person being a resident of [107] said city, subject by the laws of this state to do work upon roads and highways, shall be required to do and perform, or cause the same to be done, under the direction of the proper authorities, upon the streets of said city, or public roads and highways leading thereto, as said authorities may direct. The city council shall supercede the road supervisor in all jurisdiction within the corporate limits, and perform all of their duties.

SEC. 43. Schools. The city council is hereby invested with full control and authority over the common schools in said city, and shall receive and disburse all the school tax levied upon property within said city, or receive from the school fund for distribution therein, within the limits of said city.

SEC. 44. Borrow money. The council are authorized to borrow money for any object in its discretion, if at a regular notified meeting, under notice stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the voters of the city determine in favor of the loan by a majority vote of two-thirds of the votes given at the election, and said loan can in no case be diverted from the specified object.

SEC. 45. Charter submitted to a vote of the city—election of officers—court house—time. On the passage of this act the trustees of Iowa City township, shall cause a vote to be taken on the acceptance of this charter, in the manner in which township elections are now called and holden; in which the vote shall be "for the charter" or "against the charter," and shall be by ballot, and at the same time and place, and by said trustees, an election shall be held for the election of a mayor and nine aldermen, three aldermen from each ward; also, for a recorder, treasurer, marshal and assessor; if said vote result in favor of said charter, the result shall be so declared and entered of record, and thenceforth the same is accepted. The foregoing election shall be held at the court house, in Iowa City, on the first Monday of April, A. D., 1853, shall be opened between the hours of nine and ten o'clock, a. m. and kept open until 4 o'clock, p. m., of said day.

SEC. 46. Take effect. This act to take effect from and after its passage.
Approved, January 24th, 1853.

[108] CHAPTER 64.

COUNCIL BLUFFS CITY.

AN ACT to incorporate the City of Council Bluffs.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Boundaries—city of Council Bluffs. That the town of Council Bluffs, in the county of Pottawattamie, in this state, which town is situated on the following described land, to-wit: the north half of the west half, of

the south west quarter of section thirty, township seventy-five, range forty-three; the south east quarter of section twenty-five, and the south half of the east half of the south west quarter of section twenty-five, township seventy-five, range forty-four; also the north half of the east half of the north west quarter of section thirty-six, and the north half of the west half of the north east quarter of section thirty-six, in township seventy-five, range forty-four, together with all additions that may be hereafter made thereto, and duly recorded, is hereby declared to be a city, by the name of Council Bluffs.

SEC. 2. **Incorporated.** The said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

SEC. 3. **Council.** The legislative authority of the city, is vested in a city council, consisting of a mayor and board of aldermen composed of three from each ward of the city.

SEC. 4. **Wards.** The said city shall be divided into three wards, as follows, viz: That portion lying east of Hyde street, shall constitute the first ward; that portion lying north of Main street, shall constitute the second ward; that portion lying south of Main street, shall constitute the third ward; provided, that the said city council may change, unite or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

SEC. 5. **Qualification of voters.** Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers his [109] vote ten days, next preceding a city election, is declared a citizen of the said city, and is entitled to a vote at all the elections thereof.

SEC. 6. **Conduction of elections.** The elections of the city officers, shall be conducted in a manner similar to that in which the elections are conducted in the townships, as the nature of the case permits.

SEC. 7. **Challenge—oath.** A person offering to vote, may be challenged as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

SEC. 8. **Who are eligible.** No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and have been a resident thereof for one year next preceding his election.

SEC. 9. **Election of officers—council—quorum—term.** That the qualified electors of said city shall on the first Monday of April, A. D., 1853, and annually on the same day thereafter, elect a mayor, and at the same time nine aldermen, a recorder, assessor, treasurer and marshal; and the mayor and aldermen so elected, when assembled together, and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business; they shall be elected for the term of one year, and until their successors are elected and qualified; the mayor, recorder, assessor, treasurer and marshal, shall be elected by the legal voters of said city.

SEC. 10. **Number of aldermen.** Three aldermen shall be elected in each ward by the legal voters thereof.

SEC. 11. **Mayor's duty.** It shall be the duty of the mayor to see that the laws and ordinances of the city are executed and their violations punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise such powers as pertain to the office of mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

SEC. 12. Authority—justice of the peace ex officio. He shall be a conservator of the peace within the city, and ex officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the city ordinances and with criminal jurisdiction of offences against the laws of the [110] state committed within the city and with civil jurisdiction limited to the city in the same manner as that of justices, as may be limited to those townships; he shall not be disqualified from acting in such judicial capacity by any proceedings being in the name or in behalf of the city.

SEC. 13. Appeal—fees—pro tempore. Appeals to the district court in the same county, shall be allowed from the judgments and decisions of the mayor in the same cases, time and manner as may at any time be allowed by law, from those of other justices, and they shall be tried as in other cases; he will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace. He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie; and in his absence the council may appoint a president for the time being from their own body.

SEC. 14. Council to be judge of qualification of its members. The council shall be the judge of the qualifications and election of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and may compel the attendance of its members in such manner and by such penalties as it may adopt.

SEC. 15. Marshal's duty—fees. The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all processes directed to him by the mayor, and in cases for the violation of the city ordinances and of the criminal laws of the state may execute the same in any part of the county; and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has within his county, and may in the same cases, and under the same penalties require the aid of the citizens, and perform all duties imposed by the council; he may, with the approval of the council appoint one or more deputies, and discharge them; and he shall be responsible for their doing, when acting officially. For the service of legal process, he shall be entitled to the same fees as a constable, and for services required by the council such compensation as it may allow.

SEC. 16. Bonds. The treasurer, recorder, assessor, and marshal shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinance, not inconsistent with law.

SEC. 17. Proclamation—time and place of election—returns—recorded. In all elections for city officers, the mayor shall issue a proclamation to the voters of the city or of the several wards, as the case may require, naming the time and place for such election, and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days previous to the day of election: the polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon. Within two days after the election the judges of the election shall make their returns to the president of the city council, who shall examine them at their next meeting, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

SEC. 18. Ineligible. No member of the city council shall be eligible to any office within the gift of the council during the term for which he is elected; nor shall he be interested directly or indirectly in the profits of any contract or job of work or services to be performed for the city.

SEC. 19. Ordinances—publication—recorded. Ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect be published in one or more newspapers printed in the city at least ten days, and if there be no such newspaper, they shall be posted up in each ward the same length of time; they shall also be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

SEC. 20. Duty of recorder. It is the duty of the recorder to keep a true record of all the official proceedings of the city council, and such records shall at all times be open to the inspection of any citizen.

SEC. 21. Oath. The mayor, aldermen, marshal, treasurer, recorder, and assessor, shall take an oath to support the constitution of the United States and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the council: the oath of office may be administered by the mayor or recorder, when he is qualified, and in the transaction of the business of the [112] corporation, those officers and the president for the time being may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 22. Fees. The recorder, marshal, and assessor, shall receive such fees as the city council shall deem right, not exceeding the amount allowed county or township officers for similar services.

SEC. 23. Meetings of council. The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance, and its meetings shall be public.

SEC. 24. Council may appoint certain officers. The council may appoint, in such manner as it determines during its pleasure, street commissioners, a clerk of the market, city supervisor, health officers, and such other officers as it may deem advisable, and may prescribe their duties, powers and qualifications, and may provide for the election of any such officers by the citizens.

SEC. 25. Vacancy. When a vacancy occurs in any of the elective city offices, the council may fill the vacancy by appointment of record until the next election, and the qualification of the successor.

SEC. 26. Authority of council—fine. The council is vested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, gambling and drunkenness, and indecent or disorderly conduct, and to punish lewd behavior in public places, and in general to provide for the safety and prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars, for each offense, which may be recovered in a civil action in the name of the city, or by complaint before the mayor, as in civil proceedings before a justice of the peace, and the laws of the state relating to carrying into effect a judgment of a justice of the peace imposing a fine, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

SEC. 27. Fire companies. The council is authorized to establish and organize fire companies, and provide them with fire engines, hose, and other apparatus.

[113] **SEC. 28. Powder.** The council may regulate the keeping and sale of gun powder within the city.

SEC. 29. License—limitation—liquor. The council shall have the exclusive authority to provide for the license and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball alleys or other bowl-

ing saloons, ten-pin or other alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character. When the laws of the state permit or require license for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said council, and it may at all times prohibit the retail of such liquors, unless such prohibition would be inconsistent with the laws of the state, and no license shall be granted for less than one hundred dollars each for that purpose.

SEC. 30. **Health, etc.** The council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots, on which water becomes stagnant, to drain or fill up the same; and in default thereof, after reasonable notice, may cause the same to be done at the expense of the city, and assess the cost thereof on the specific lots, and cause them to be sold by the city collector as in case of taxes, and the owner may redeem from such sale as in case of a sale for tax.

SEC. 31. **Drayage, etc.** Said council may regulate the system of cartage, drayage, hacks and omnibuses within the city, and may issue license therefor; and may prohibit hogs and other animals from running at large within the limits of said city.

SEC. 32. **Public money.** The council shall provide by ordinance for the keeping of the public money of the city, and the manner of disbursing the same; and shall cause all claims against the city to be audited, and all city officers are accountable to said city council in such manner as it directs. Said council shall publish annually a particular statement of receipts and expenditures of the city, and of all debts owing to and by the same.

SEC. 33. **Grades.** Said council shall have exclusive authority to establish the grades of all streets and alleys in the city, and may change the same upon the petition of the owners of two [114] thirds in value of the real property on both sides of the street, when it is desired to be changed.

SEC. 34. **Imprisonment.** Imprisonment for the violation of any ordinance shall not exceed fifteen days, and the county jail shall be the place of imprisonment, but at the expense of the city.

SEC. 35. **Taxes—rate—dogs—limitations.** The city council is authorized to levy and collect taxes not exceeding one-half of one per cent. on all property within the city, which is liable for state and county taxes, including improvements on such property, and it may exempt such improvements when it is so determined by a vote of all the voters of the city; but when such exemption takes place, the rate of tax on personal property shall not exceed that above named, and the rate on realty shall not exceed one and one-half per cent. on the valuation; said council may also tax and prohibit dogs from running at large in the city: provided, that the tax thus levied and collected, when the improvements are included, shall not exceed one-fourth of one per cent., and when improvements are exempt as above named, one-fourth per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified electors of the city at an annual election or a special election held for that purpose.

SEC. 36. **Collector—notice.** The marshal shall be collector, or in case of his absence, or disability, such person as the council may appoint in his stead shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days' notice of the assessment and levy of the tax, and the rate thereof in general terms, without the name or description of the property, in a newspaper printed in the city, if there be one; if not, then by three months' notice in the most public places in each ward.

SEC. 37. **Appeal.** During the thirty days, any person aggrieved by the assessment or taxation, may appear before the council, which may correct the same, if found erroneous.

SEC. 38. **Distrain.** The marshal may distrain upon personal property liable to taxation, and sell the same for payment, if not paid in reasonable time after demand, as constables may sell personal property on execution.

SEC. 39. **Lien.** Taxes on real property shall be a lien thereon, and [115] it may be sold therefor when the taxes remain unpaid for six months after posting the notices of the tax.

SEC. 40. **Sales.** Such sale must be at auction, and there must be thirty days' notice prior to the sale given as above provided for, notifying the assessment and tax; in such sale he who bids to pay the amount due for the least quantity of land will be the highest bidder, and the manner of ascertaining the portion bid for, shall be as in the state revenue law.

SEC. 41. **Deed.** The marshal shall execute and deliver to the purchaser a deed running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county in like circumstances on sales for county and state taxes.

SEC. 42. **Public ground—pave—sell lots—redemption.** The council have the control of the streets and alleys, and public ground of the city of Council Bluffs, and may cause side walks to be paved in the same, and to this end it may require the owners of lots to pave or repair the same contiguous to their respective lots, and in case of neglect, after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed on the contiguous lots, which shall have the same effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption.

SEC. 43. **Borrow money.** The council are authorized to borrow money for any object in its discretion, if, at a regular notified meeting, under a notice stating distinctly the nature and object of the loan and the amount thereof as nearly as practicable, the voters of the city may determine in favor of the loan by a majority of two-thirds of the vote given at the election, and such loan can in no case be diverted from the specified object.

SEC. 44. **Road tax.** All road tax which may hereafter be paid upon any property in the city of Council Bluffs, in lieu of labor, shall be paid to the proper authorities of said city for the improvement of the streets thereof.

SEC. 45. **Working roads.** Any person being a resident of said city, subject by the laws of this state to do work upon roads and highways, shall be required to do and perform, or cause the same to be done, under the direction of the proper authorities, upon the streets of said city or public roads and highways, leading [116] thereto, as said authorities may direct; the city council shall supercede the road supervisor in all jurisdiction within the corporate limits, and perform all of their duties.

SEC. 46. **Submitting charter to a vote—election of officers—returns—notice—oath.** On the passage of this act, the county judge of Pottawattamie county shall order an election for the purpose of submitting this charter to the citizens of said city, which election shall take place on the first Monday in March, A. D. 1853, and shall be conducted in all respects as now provided by law, and returns thereof made to the county judge of said county, and in the event that a majority of all the votes polled are in favor of said charter, then it shall be the duty of the said judge to order an election in each ward in said city, to be held at such places in each ward as he may think proper, for the election of mayor, recorder, treasurer, mar-

shal, assessor, and three aldermen from each ward, which election shall be held on the first Monday in April, 1853, and conducted in all respects as now provided by law, and returns thereof made to the county judge, whose duty it shall be to notify the persons elected to the respective offices named in this section, who shall enter upon their duties by taking the oath of office prescribed in this act.

SEC. 47. Take effect. This act to take effect from and after its publication in the Western Bugle, and Frontier Guardian and Sentinel: provided, said publication be done without any expense to the state.

Approved, January 24, 1853.

CHAPTER 65.

SWAMP LANDS.

AN ACT supplemental to an act entitled "An act to dispose of the swamp and overflowed lands within this state, and to pay the expenses of selecting and surveying the same," approved January 13th, 1853.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Returns made to secretary—his duty. That, so soon as the examination and survey of the swamp and overflowed lands in any of the counties of this [117] state, shall be completed by the county surveyor, (or other person appointed for that purpose,) a full and complete return of the same shall be forwarded to the secretary of state, whose duty it shall be to report the same to the surveyor general.

SEC. 2. Expenses how paid. That all expenses which may have accrued prior to the passage of this act, in any of the counties of this state for the examination and survey of said swamp and overflowed lands, shall be paid in accordance with the provisions of the act to which this is amendatory.

Approved, January 24th, 1853.

CHAPTER 66.

DAVENPORT.

AN ACT to amend the act to incorporate the city of Davenport.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Addition to city—1st addition—2nd addition—3d addition—4th addition—all included in city. That the charter of said city be so amended as to include and embrace within the limits of said city the following described tracts or parcels of land, to-wit: a tract or block of land, bounded on the west by Rock Island street, on the north by Sixth street, on the east by Iowa street, and on the south by Fifth street, of said city; also, all the land included within the following described limits, to wit: bounded on the west by Rock Island street, on the north by Third street, on the east by Iowa street, and on the south by Second street, of said city; also the following tract of land, to wit; bounded on the east by the original town of